

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DISTRICT**

**GEORGINA KUEHNE,**

**Plaintiff,**

**v.**

**FREDDY'S FROZEN CUSTARD  
& STEAKBURGERS,**

**Defendant.**

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**Case No. 13-03316-CV-S-BP**

**ANSWER TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendant 3Pointe Restaurant Group-Springfield, LLC d/b/a Freddy's Frozen Custard & Steakburgers, by and through its attorneys of record, Ellis, Ellis, Hammons & Johnson, P.C., and files its Answer to Plaintiff's Complaint, states as follows:

1. Answering Paragraph I of Plaintiff's Complaint, Defendant admits that Freddy's Frozen Custard and Steakburgers has been named a defendant in this case, which has been filed by Georgina A. Kuehne. Defendant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained therein and, therefore, denies such allegations.

2. Answering Paragraph II of Plaintiff's Complaint and the referenced documents attached to Plaintiff's Complaint, Defendant admits that Plaintiff submitted an application for employment with Defendant as alleged in the Charges of Discrimination Plaintiff filed with the EEOC and MCHR referenced by Plaintiff and attached to her Complaint. Defendant denies all other claims and allegations in Paragraph II of Plaintiff's Complaint and documents attached thereto.

3. Answering Paragraph III of Plaintiff's Complaint, Defendant denies the allegations contained therein.

4. Answering Paragraph IV of Plaintiff's Complaint, Defendant denies the allegations contained therein.

5. Answering Paragraph V of Plaintiff's Complaint, Defendant denies the allegations contained therein.

6. Answering Paragraph VI of Plaintiff's Complaint, Defendant admits that Plaintiff has filed her lawsuit *Pro Se*, and no attorney has entered an appearance on her behalf at this time. Defendant is without sufficient knowledge or information as to whether Plaintiff has contacted any attorneys to represent her in this case, and, therefore, denies such allegations.

7. Answering Paragraph VII of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

#### **AFFIRMATIVE DEFENSES**

8. The admissions, denials, and averments set forth in Paragraphs 1 through 7 of this Answer are incorporated herein by reference.

9. Plaintiff has failed to state a cause of action upon which relief can be granted, and therefore this Complaint should be dismissed.

10. Defendant's failure to hire Plaintiff was due to legitimate and reasonable factors other than her disability of being deaf.

11. Defendant was unaware of Plaintiff's disability when determining whether to hire Plaintiff or not.

12. The accommodation necessary to allow Plaintiff to complete the essential functions of the position she applied for would have imposed an undue hardship on Defendant due to the type and size of Defendant's business, and its financial resources.

13. Plaintiff has failed to satisfy the statutory prerequisites to her claims.

14. The Defendant reserves the right to assert any additional affirmative defenses as may be revealed during the course of discovery.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant requests that judgment be entered in its favor and against Plaintiff on each count and further requests the Court to award Defendant its costs and attorney fees in this action.

**ELLIS, ELLIS, HAMMONS & JOHNSON, P.C.**

By: /s/ John D. Hammons  
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**Attorneys for Defendant**

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing was served electronically to those parties who have entered an appearance in the court's Electronic Court Filing (ECF) System and conventionally, upon the attorneys or parties of record for each party to this action, to-wit:

Georgina A. Kuehne, *Pro Se*  
5140 S. Main Avenue  
Apt. J107  
Springfield, MO 65810

by depositing same, respectively, in the United States mail at Springfield, Missouri, postage prepaid, duly addressed to said party on this 2<sup>nd</sup> day of October, 2013.

/s/ John D. Hammons

Attorney of Record